

Message Text

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C O N F I D E N T I A L STATE 004897

LIMDIS, FOR ROBERT ROSENSTOCK, US LEGAL DIVISION ONLY

FOL RPT SAN JOSE 0119 ACTION SECSTATE 7 JAN QUOTE

C O N F I D E N T I A L SAN JOSE 0119

LIMDIS

DEPARTMENT PASS SOUTHERN DISTRICT OF NEW YORK

E.O. 11652: GDS
TAGS: PFOR, PGOV, PINT, CS
SUBJECT: VESCO EXTRADITION: NATURE OF LOCAL SUIT BROUGHT BY
RECHNITZER

REF: A. 76 SAN JOSE 5983
B. 76 STATE 299452
C. 76 STATE 298612

1. SUMMARY: LOCAL USG LAWYER ORTIZ THINKS THAT ONLY TWO
COUNTS OF NINE COUNT JAN. 1976 INDICTMENT ARE INVOLVED
IN LOCAL SUIT AGAINST VESCO. ORTIZ OPTIMISTIC THAT
"IDENTICAL CRIME" HURDLE IN 1976 EXTRADITION LAW CAN BE
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SURMOUNTED IN FUTURE EXTRADITION.

2. ORTIZ MET WITH AMBASSADOR, DCM, AND EMBOFF JAN. 7 TO
REPORT ON HIS DECEMBER CONSULTATION IN NEW YORK AND TO
FILL IN EMBASSY ON HIS RESEARCH RE RECHNITZER'S CHARGES.
(REFS B AND C)

3. ORTIZ TOLD US THAT SOUTHERN DISTRICT INTEREST FOCUSED ON THREE AREAS: ANTICIPATED VESCO CHARGES OF USG POLITICAL MOTIVATION IN PURSUING EXTRADITION; PROBLEMS POSED BY VESCO POSSIBLY BECOMING COSTA RICAN CITIZEN; THE "IDENTICAL CRIME" ISSUE AS IT INVOLVES RECHNITZER CASE (REF. C, PARA 4). ORTIZ SAID THAT ALL AGREED THAT FOR MOMENT THERE IS NOTHING TO BE DONE RE (A) AND (B). RE IDENTICAL CRIME ISSUE, HE STATED THAT HE HAS PRELIMINARY RESULTS TO REPORT TO NEW YORK FOLLOWING HIS REVIEW DURING PAST FEW DAYS OF DOCUMENTS RECHNITZER SUBMITTED TO COURT HERE IN HIS SUIT, AND ORTIZ' CONTACT WEEK OF JAN. 3 WITH RECHNITZER AND HIS ATTORNEY.

4. CONTRARY TO WHAT ORTIZ BELIEVED PREVIOUSLY ABOUT NATURE OF RECHNITZER'S CHARGES (AND AS REPORTED BY EMBASSY IN REFTEL A), ORTIZ SAYS THAT LOCAL SUIT INVOLVES ONLY TWO OF NINE COUNTS OF JAN., 1976 GRAND JURY INDICTMENT. THESE ARE COUNTS ONE AND FOUR. ORTIZ SAYS HE IS WORKING WITH RECHNITZER AND HIS LAWYER IN EFFORT TO HAVE CHARGES IN LOCAL SUIT REDRAFTED TO FOCUS MORE SPECIFICALLY ON THESE COUNTS.

5. ORTIZ SAID THAT HIS COMPLETE STUDY OF RECHNITZER'S SUIT WILL BE COMPLETED NEXT WEEK, BUT THAT HE WAS PHONING U.S. ATTORNEY TODAY TO FILL HIM IN ON HIS PRELIMINARY FINDINGS. ORTIZ EXPRESSED OPTIMISM THAT "IDENTICAL CRIME" HURDLE AS IT CONCERNS RECHNITZER COULD BE SURMOUNTED.

6. IN SEPARATE MATTER, ORTIZ INFORMED THAT RECHNITZER IS TRAVELING TO NEW YORK JAN. 16 TO MEET WITH SIMON J. CONFIDENTIAL

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NUSBAUM, NEW YORK ATTORNEY FOR IOS STOCK FRAUD VICTIMS. ORTIZ SAID THAT NUSBAUM HAS WRITTEN TO RECHNITZER RE A NUSBAUM PROPOSAL TO ADD SUITS OF OTHER IOS SECURITIES FRAUD VICTIMS TO RECHNITZER'S IN LOCAL CASE. ORTIZ HAS TOLD RECHNITZER THAT SUCH A MOVE COULD ENDANGER FUTURE USG EXTRADITION ATTEMPT, AND HAS ASKED RECHNITZER NOT TO PERMIT NUSBAUM TO DO THIS. ORTIZ CONSIDERS THIS POSSIBILITY A REAL DANGER, AND ESPECIALLY WANTS US ATTORNEY TO BE AWARE OF IT.

7. COMMENT: ORTIZ IS CLEARLY OPTIMISTIC. IF "IDENTICAL CRIME" PROBLEM IS REALLY SURMOUNTED, ORTIZ SAID HE WILL BE READY TO MOVE EXPEDITIOUSLY TO NEXT STAGE WHICH, HE INDICATED TO US, SOUTHERN DISTRICT WOULD BE READY TO MOVE ON AS WELL: THE CAREFUL SELECTION OF EVIDENCE TO SUBSTANTIATE AN EXTRADITION REQUEST.
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